



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP

Docket No. 2722-99
9 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) Case Summary
(2) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy applied to this Board requesting, in effect, changes in the reason for discharge and reenlistment code.

2. The Board, consisting of Messrs. Milner, Bishop, and Lippolis reviewed Petitioner's allegations of error and injustice on 1 March 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 4 April 1994 for four years as SN (E-3). At the time of her enlistment, she was 34 years of age, a naturalized citizen, and had 16 years of formal education.

d. Petitioner served without incident until 1 November 1994 when she was referred for psychiatric evaluation after becoming overly emotional during a hearing regarding her failure of three tests. Petitioner reported that she joined the Navy to "get money and to get away from my problems with my family", and had hoped to get into the operations specialist (OS) rating. When this was denied because of her dual citizenship, she chose the hospital corpsman rating, even though she had no interest in this field. The examining psychologist noted that although Petitioner claimed to have been previously hospitalized for depression and stress, there is no documentation of such treatment in her medical record. Petitioner claimed she was diagnosed as having an adjustment disorder with narcissistic traits. She denied any current suicidal or homicidal ideation but reported "recurrent, intrusive, transient ideation without intent or plan" when she became overly angry or stressed.

e. Psychological testing was administered and Petitioner was diagnosed with an adjustment disorder with mixed anxiety and depressed mood; and an unspecified personality disorder with narcissistic, histrionic, and antisocial traits. Petitioner was considered unsuitable for full duty due to her personality disorder and administrative separation was recommended. The examining psychologist opined that she was a continuing and increasing risk for suicide.

f. On 9 November 1994, Petitioner was notified that she was being considered for administrative separation by reason of convenience of the government due to personality disorder. She was advised of her procedural rights, declined to consult with counsel, and waived her rights. She did not object to the discharge. Thereafter, the discharge authority directed an honorable discharge. She was so discharged on 6 December 1994 and assigned an RE-4 reenlistment code.

g. On 3 March 1999, the Board denied Petitioner's request for a change in the reason for discharge and reenlistment code.

h. Petitioner provides evaluations from a civilian psychiatrist and a psychologist to support her current contention that she does not have a personality disorder. The first evaluation is from a Department of Veterans Affairs (DVA) psychiatrist who states as follows:

"This examiner does not really find evidence for a personality disorder in this woman. She continues to be quite frustrated and is depressed and anxious about her current situation. It would seem to this examiner that the diagnosis of the adjustment disorder is still valid for the same reasons now as it was when she was discharged..."

i. The second evaluation is provided by a psychologist who set forth a detailed history and the results of psychological testing. He concurred with the DVA psychiatrist's assessment that no personality disorder was present but believed she did meet the criteria for an adjustment disorder during parts of 1994 and 1995.

j. At enclosure (1), the Department of Psychiatry at the Naval Medical Center, San Diego reviewed Petitioner's case and opined that the diagnosis of personality disorder appeared to be accurate and recommended no change in the reason for Petitioner's discharge. The advisory opinion asserts that the diagnosis was appropriate and cites the following from Diagnostic and Statistical Manual of Mental Disorders (DSM IV):

"A personality disorder is an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment. A personality disorder may be exacerbated following the loss of significant supporting person or previously stabilizing social situations. Personality disorders tend to become less evident or remit with age."

The advisory opinion asserts that although the psychological evaluation in September 1999 did not reveal signs or symptoms of a personality disorder, symptoms of personality disorder may become more evident with disruption of a social situation, such as entry into military service, and become less evident as a person gets older.

k. Petitioner responded to the foregoing advisory opinion, asserting that three different doctors have found that she has no personality disorder, and the comments in the advisory opinion distorted the definition of personality disorder found in the DSM IV in order to make it apply to her case. She asserts that if the evaluations she has submitted are not enough evidence, the Navy should either send her to a doctor of its

choice for further evaluation, or remove the unfair label of personality disorder from her record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board notes that during Petitioner's eight months of service she had no disciplinary actions. The Board has no way of evaluating Petitioner but notes that civilian mental health officials did not observe Petitioner under the same circumstances that she was observed during her period of service by Navy medical authorities. The Board is well aware that individuals enlisting in their mid-30's often have difficulty in adjusting to the demands of military service. Petitioner claimed that she enlisted to get away from family problems and was led to believe by her recruiter that she would see minimal sea duty. It appears to the Board that unresolved family issues caused her great concern and may have been a contributing factor in her test failures. The fact that she sent her mother back to Morocco did not relieve her of the responsibility she felt toward her mother. It is evident to the Board that Petitioner soon realized when she was dropped from OS training because of her dual citizenship that the Navy's expectations were not the same as hers. The Board further notes that the Navy does not have the resources to treat individuals with adjustment or personality disorders on a long term basis and that these individuals are often discharged for such disorders because it is a more expedient way to separate an individual than trying to substantiate their substandard performance. This results in the individual being unjustly stigmatized. The Board does not concur with advisory opinion in that it does not believe Petitioner had a personality disorder, but was an individual who could not to adjust the military environment because of her age, family responsibility, and her cultural background, the combination of which gave her an unrealistic perspective with regard to her needs versus those of the Navy's. The Board further notes that individuals with severe personality disorders do not normally have a stable employment history nor do they have advanced degrees as in Petitioner's case. The Board concludes that it would be appropriate and just to show that she was not discharged by reason of personality disorder but was separated for the best interests of the service by reason of "secretarial authority." Since the civilian mental health professionals believe that the

diagnosis of an adjustment disorder was valid, the Board believes that the assigned RE-4 reenlistment code remains appropriate and should not be changed.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was discharged on 6 December 1994 by reason of "secretarial authority" vice "personality disorder" as now shown on DD Form 214. This should include the issuance of a new DD Form 214.

b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

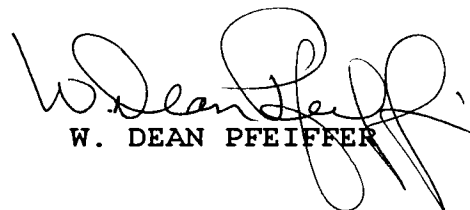
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.



W. DEAN PFEIFFER

Reviewed and Approved: JUN 14 2000



CHARLES L. TOMPKINS
Deputy Assistant Secretary of the Navy
(Personnel Programs)